

Municipal Clerk  
Atlanta, Georgia

**Z-01-44**

SUBSTITUTE ORDINANCE BY:  
ZONING COMMITTEE

**AN ORDINANCE TO AMEND THE 1982 ZONING ORDINANCE OF THE CITY OF ATLANTA BY CREATING A NEW CHAPTER ENTITLED CHAPTER 18P. SPI 16 MIDTOWN DISTRICT REGULATIONS AND TO AMEND THE OFFICIAL ZONING MAP BY SUPPLANTING EXISTING ZONING DISTRICTS RG4, RG5, RG5-C, RG6-C, C1-C, C2, C4, C4-C, OI, OI-C, PDMU, PDH, PDOC, SPI 2, SPI 3, SPI 4, SPI 4-C AND SPI 10 WITH SAID SPI 16 DISTRICT AND TO AMEND CHAPTER 28A.0010 BY ADDING A NEW SUBSECTION (37) SPI 16 MIDTOWN DISTRICT, AND FOR OTHER PURPOSES.**

**WHEREAS**, commercial districts should provide adjacent neighborhoods with pedestrian accessibility to retail goods and services; and

**WHEREAS**, existing transit infrastructure should be maximized; and

**WHEREAS**, the visual aesthetics of City streets should be improved; and

**WHEREAS**, a diversified urban environment where people can live, work, meet and recreate should be created; and

**WHEREAS**, a compatible mixture of residential, commercial, and cultural and recreational uses should be provided; and

**WHEREAS**, a grid of connected streets for improved vehicular access and reduced vehicular congestion should be provided; and

**WHEREAS**, sufficient, safe and accessible open space for active and passive enjoyment by residents and workers should be provided; and

**WHEREAS**, safe and convenient pedestrian and bicycle circulation should be provided; and

**WHEREAS**, the City Sign Ordinance should be amended to include regulations for the SPI 16 Midtown District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the 1982 Zoning Ordinance of the City of Atlanta is hereby amended by adding a new Chapter 18P. SPI 16 Midtown District Regulations, which shall read as shown on the attached "Attachment A".

Section 2: That the 1982 Zoning Ordinance Map of the City of Atlanta is hereby amended as shown on "Attachment B" and "Attachment C".

Section 3: That Chapter 16-28A.010 of the City of Atlanta Municipal Code, the Sign Ordinance, be amended by adding a new subsection (37) to read as follows:

(37) SPI 16 Midtown District: The following signs shall be permitted in the SPI 16 Midtown District:

- a. The regulations for SPI 16 Midtown District Section 16-18P.028 (Specific Regulations for Subarea 1: Midtown Commercial) shall be the same as the regulations in Subsection (6) C-2 (Commercial Service) District, provided that:
  - i. No freestanding signs shall be permitted.
  - ii. No shopping center signs shall be permitted.
- b. The regulations for SPI 16 Midtown District Section 16-18P.029 (Specific Regulations for Subarea 2: Midtown Residential) and SPI 16 Midtown District Section 16-18P.030 (Specific Regulations for Subarea 3: Juniper East) shall be the same as the regulations in Subsection (3) RLC (Residential Limited Commercial) District, provided that:
  - i. No freestanding signs shall be permitted.
  - ii. No shopping center signs shall be permitted.
  - iii. Signs may be located as near to the street property line as the nearest building.

Section 3: That all ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

**CHAPTER 16-18P**  
**SPI-16 MIDTOWN**  
**SPECIAL PUBLIC INTEREST DISTRICT REGULATIONS**

**Section 16-18P.001. Scope of Provisions.**

The regulations set forth in this chapter, or set forth elsewhere in this part when referred to in this chapter, are the regulations for the SPI-16 Midtown Special Public Interest District. These regulations shall supplant existing districts or portions of existing districts as shown on the attached map referenced in Section 16-18P.003, except that all existing categories of historic protection designated pursuant to Chapter 20 of Part 16 shall continue in full force and effect and said existing historic protection regulations shall be overlaid upon, and shall be imposed in addition to, the regulations set forth in this Chapter. Whenever the following regulations are at variance with said existing historic protection regulations, the historic protection regulations shall apply. Whenever the following regulations conflict with provisions of Part 16 other than historic protection regulations, the more stringent regulation shall apply.

The regulations set forth in Sections 16-18P.001 through and including Section 16-18P.027 shall apply to all properties located within the SPI-16 Midtown Special Public Interest District, including all subareas within the District. The remaining regulations set forth in Section 18P.028 through Section 16-18P.030 shall apply only to the subareas identified therein.

**Section 16-18P.002. Statement of Intent.**

The intent of the council in establishing SPI-16 Midtown Special Public Interest District as a zoning district is as follows:

1. Implement provisions of the Comprehensive Development Plan incorporating certain recommendations contained in studies of this area, including the comprehensive study known as Blueprint Midtown;
2. Create an urban environment where people can live, work, meet and play;
3. Improve the aesthetics of the built environment;
4. Encourage a compatible mixture of residential, commercial, cultural and recreational uses;
5. Provide a range of housing types and prices to meet different housing needs;
6. Provide appropriately-scaled, continuous pedestrian oriented uses and activities adjacent to sidewalks along streets with identified pedestrian needs;
7. Facilitate safe, pleasant and convenient pedestrian circulation and minimize conflict between pedestrians and vehicles;
8. Preserve and protect the city's historic buildings and sites;
9. Provide for development within this area that is compatible with existing low-density development within surrounding residential areas;

10. Prevent encroachment of incompatible commercial uses and minimize commercial parking into residential neighborhoods;
11. Ensure pedestrian-oriented building forms;
12. Encourage infill and rehabilitation development within traditionally commercial areas that include proportionately significant residential uses;
13. Provide sufficient parking in an unobtrusive manner;
14. Encourage the use of MARTA through the location of mixed-use development and regional entertainment and cultural facilities around certain MARTA rail stations as identified in the Comprehensive Development Plan;
15. Encourage opportunities for economic development, both residential and commercial, where there is a planned relationship between the transportation system and development;
16. Maximize opportunities for pedestrian amenities, including parks, plazas, greenways and public art;
17. Provide sufficient, safe and accessible parks, plazas and greenways for active and passive enjoyment; and
18. Reduce parking requirements by encouraging shared parking and alternative modes of transportation, while continuing to safeguard against increased parking in surrounding residential areas as a result of development within this District.

#### **Section 16-18P.003. Boundaries of District Established.**

The boundaries of the SPI-16 Midtown Special Public Interest District are shown on maps Attachment B and Attachment C which by this reference is incorporated into and made a part of this chapter and this part. The Midtown Special Public Interest District is divided into three (3) main subareas and other designated areas as shown on said maps Attachment B and Attachment C. The subareas are described as follows:

Subarea 1: Midtown Commercial.

Subarea 2: Midtown Residential.

Subarea 3: Juniper East.

#### **Section 16-18P.004. Application Procedures.**

A special administrative permit shall be required for development in this district as set forth in this section. A special administrative permit (SAP) application and seven (7) copies each of a site plan, landscape plan and elevation drawings of each exterior façade shall be submitted and approved by the Director of the Bureau of Planning prior to the applicant filing for a building permit. All new construction, including additions to existing buildings, expansions of existing outdoor dining, outdoor dining within required sidewalk areas, or any construction which results in increased lot coverage or a modification of the building footprint within this district, shall be subject to said site plan review and approval. Before making application for a special administrative permit, a pre-application conference between the

applicant and the Director of the Bureau of Planning or the Director's designee is required to discuss the application and relevant requirements of these regulations. Said preapplication conference shall be held within 14 days of the request by the applicant, unless a longer period is mutually agreed upon. All applications for a special administrative permit shall be processed in accordance with the standards and procedures applicable to said SAP applications contained in Chapter 25 of Part 16 except as otherwise modified by this Chapter 18P.

### **Section 16-18P.005. Permitted Principal Uses and Structures.**

In all subareas, a building or premise shall be used for the following permitted principal uses and structures. Additional permitted principal uses and structures shall be used only as specified in each subarea (Sections 16-18P.028 through 16-18P.030). In addition, the following uses shall be subject to further restrictions as contained in Section 16-18P.029 Subarea 2.

1. Broadcasting towers, line-of-sight relay devices for telephonic, radio or television communications when located two hundred (200) feet or more from any off-site residential districts or residential use not located within an industrial district and, when such towers or devices are greater than two hundred (200) feet in height, when located a distance which is greater than or equal to the height of the tower or device from a residential district or residential use which is not in an industrial district.
2. Barber shops, beauty shops, manicure shops and similar personal service establishments.
3. Childcare centers, kindergartens and special schools.
4. Commercial recreational establishments, including bowling alleys, theaters, convention halls, places of assembly and similar uses with primary activities conducted within fully enclosed buildings.
5. Eating and drinking establishments subject to further restrictions contained in Section 16-18P.007(1)(b).
6. Laundry and dry cleaning collection stations, laundry and dry cleaning establishments where customers operate equipment limited to no more than two thousand and five hundred (2,500) square feet.
7. Museums, galleries, auditoriums, libraries, and similar cultural facilities.
8. Nursing homes and convalescent centers.
9. Offices, studios, clinics (including veterinary), laboratories and similar uses, but not blood donor stations except at hospitals. Veterinary clinics including all kennels and accessory areas shall be enclosed within soundproof buildings.
10. Printing or blueprinting shops.
11. Professional or personal service establishments.
12. Retail establishments.
13. Rooming and boarding houses.
14. Sales and repair establishments for home appliances, bicycles, lawnmowers, clocks and similar household goods, with the exception of motorized vehicles,

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provided said establishments shall not be located contiguous to Peachtree Street.

15. Single-family, two-family, and multi-family dwellings.
16. Single room occupancy residence.
17. Small family care homes, family care homes, group homes, congregate care homes, and rehabilitation centers.
18. Structures and uses required for operation of MARTA, public transit or public utility, but does not include uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.
19. Tailoring, custom dressmaking, and millinery.

Any principal use and structure not specifically listed above is prohibited in this district, unless otherwise specifically authorized in the subarea regulations.

All commercial sales and service shall be conducted within enclosed permanent structures and there shall be no unenclosed displays of merchandise with the exception of off-street parking and outdoor dining. Unenclosed outdoor sales or displays are permissible only by special permit as set forth below.

No use or manner of operation shall be permitted which is obnoxious or offensive by reason of odor, smoke, noise, glare, fumes, gas, vibration, unusual danger of fire or explosion, emission of particulate matter, or interference with radio or television communication, or is otherwise incompatible with the character of the district and its relation to adjoining districts.

Pursuant to Section 16-28.016 adult businesses are not permitted uses in the district.

**Section 16-18P.006. Permitted Accessory Uses and Structures.**

Accessory uses and structures permitted within this district shall include those customarily accessory and clearly incidental to permitted principal uses and structures and specifically include clubhouses, pools, and other recreation amenities, and parking to serve authorized residential and non-residential uses within the district subject to the restrictions contained in Section 16-18P.022 and elsewhere in this Chapter.

**Section 16-18P.007. Special Permits.**

The following uses are permissible only by additional special permits of the type indicated subject to limitations and requirements set forth in this Chapter 18P or elsewhere in this part, and subject to the applicable procedures and requirements set forth in Section 16-25.001, et seq.

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1. Special use permits:
  - a. Broadcast towers, line of sight relay devices for telephonic, radio or television communications when located within two hundred (200) feet of any off-site residential district or residential use, not located within an industrial district and, when such towers or devices are greater than two hundred (200) feet in height, when located a distance which is less than or equal to the height of the tower or device from a residential district or residential use which is not within an industrial district in accordance with Sections 16-25.002 and 16-25.003.
  - b. Eating and drinking establishments:
    - i. Eating and drinking establishments east of Juniper Street and north of 10<sup>th</sup> Street that are greater than five thousand (5,000) square feet of floor area, or that have outdoor accessory dining not located between the building and any street which it fronts.
    - ii. Eating and drinking establishments east of Juniper Street and south of 10<sup>th</sup> Street that are greater than two thousand (2,000) square feet of floor area, or that have outdoor accessory dining.
    - iii. Eating and drinking establishments on lots directly fronting the west side of Juniper Street and south of 10<sup>th</sup> Street that are greater than five thousand (5,000) square feet of floor area.
    - iv. Eating and drinking establishments on lots directly fronting Juniper Street and north of 10<sup>th</sup> Street that are greater than eight thousand (8,000) square feet of floor area.
    - v. Eating and drinking establishments on lots directly fronting the east side of Peachtree Street that are greater than ten thousand (10,000) square feet of floor area.
  - c. Helicopter landing facilities or pickup or delivery stations.
  - d. Outdoor amusement enterprises or outdoor temporary structures housing amusement enterprises, exhibits, entertainment, meetings, displays or sales areas, or outdoor areas for religious ceremonies of ninety (90) days duration or longer.
  - e. Park-for-hire parking decks located within the transit station areas built as a primary use to provide parking spaces in excess of the parking requirements of Section 16-18P.022.
  - f. Transfer of development rights. Transfer of development rights is permissible provided each of the following criteria are met in addition to those set forth in Section 16-28.023:
    - i. Both the donor and recipient parcels must be located within SPI-16;
    - ii. The donor parcel must be either National Register listed, National Register eligible or property designated under the City's historic preservation ordinance;
    - iii. The transfer documents must ensure that the historic property shall remain in perpetuity; and
    - iv. If the historic property is not designated under the City's historic preservation ordinance at the time of transfer, it must be so designated

prior to issuance of any building permit for the receiving property if said permit involves, in any way, the transferred development rights.

See also Section 16-28.023 for further requirements of the Transfer of Development Rights process. For purposes of application of this subsection to said Section 16-28.023, properties shall be deemed to be closely proximate if both lie within the SPI 16 District.

2. Special administrative permits:
  - a. Park-for-hire parking decks not located within the transit station areas built as a primary use to provide parking spaces in excess of the parking requirements of Section 16-18P.022.
  - b. Outdoor amusement enterprises, exhibits, entertainment, music venues, meetings, displays or sales areas, or outdoor areas for religious ceremonies of less than ninety (90) days duration. Outdoor vending is permitted only when included with a special event permit.
  - c. Outdoor displays of merchandise or sales areas within the supplemental zone.
  - d. Broadcasting towers and line of sight relay devices for telephonic, radio or television communications seventy (70) feet or less in height, alternative design mounting structures, and new or additional uses of existing structures.
3. Special exceptions:
  - a. Accessory outdoor amplified music.
  - b. Reduction or transfer of parking requirements.
    - i. The following reductions in parking requirements or transfer of parking requirements shall require a special exception permit:
      - a). Reduction or transfer off-site of parking requirements for all lots directly fronting Juniper Street: Parking requirements may be reduced or transferred off-site within four hundred (400) feet of the primary use and within the district.
      - b). Reduction or transfer off-site of parking requirements for all lots east of Peachtree Street and not directly fronting Juniper Street: parking requirements may be reduced or transferred off-site within eight hundred (800) feet of the primary use and within the district.
    - ii. The standards for said reduction or transfer set forth in (i) shall be those in Section 16-18P.022(6).
  - c. Alterations in transitional height planes and transitional yards.

### **Section 16-18P.008. Redevelopment Requirements.**

Any property wherein sixty (60%) percent or greater of the principal building is removed or destroyed by any means shall be redeveloped in accordance with the requirements of this Chapter and any paving or other accessory structural elements within any required transitional yard shall be removed and buffers provided as required herein, notwithstanding any other provisions in Part 16 to the contrary.



**Section 16-18P.009. Transitional Uses and Yards.**

1. Adjoining Lot with Same Frontage: Where a lot in this district abuts a lot in any R-1 through R-G, or PD-H district at the side along the same street frontage, and without an intervening street, such lot within this district, or the first one hundred (100) feet on such lot if it is wider than one hundred (100) feet, shall not be used for any drive-through service window or drive-in facility, car wash, service station, mortuary or funeral home, sales lot for automobiles, repair garage, or paint and body shop even where otherwise specifically authorized.
2. Transitional height planes: Where this district adjoins an R-1 through R-G, PD-H or SPI-17 (subarea 4) district without an intervening street, height within this district shall be limited as follows: No portion of any structure shall protrude through a height limiting plane beginning thirty-five (35) feet above the buildable area boundary nearest to the common residential district (R-1 through R-G or PD-H) boundary and extending inward over this district at an angle of forty-five (45) degrees.
3. Transitional yards:
  - a. Where this district adjoins an R-1 through R-G, PD-H, or SPI-17 (subarea 4) district without an intervening street, a minimum of twenty (20) feet is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives a maximum of ten (10) feet in width. Such yards shall be planted as approved by the City Arborist and maintained as a landscaped strip.
  - b. Screening: In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained in sightly condition.
4. Fire safety code requirements: Notwithstanding any other provisions of this Chapter, the applicant shall be responsible for ensuring that the plans submitted meet all fire safety code requirements.

**Section 16-18P.010. Development Controls.**

1. Bulk limitations: See specific regulations for each subarea at Sections 16-18P.028 through 16-18P.030. For purposes of this Chapter, and notwithstanding the provisions of Code Section 16-29.001(24), mixed-use development is defined as any development which contains as principle uses both residential and non-residential uses on the same development site, and in which each of such uses constitute at least twenty (20%) percent of the total floor area, excluding accessory uses.
2. Affordable new sales housing units or rental housing units requirements:
  - a. See specific regulations for the affordable bonus for each subarea at Sections 16-18P.028 and 16-18P.030.
  - b. Affordable housing shall have the meaning set forth in Section 19-1006.
  - c. Affordable requirements shall be in place for a minimum of forty (40) years from the date of issuance of the occupancy permit and shall include deed

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- restrictions governing the resale value or rental rate placed on the affordable units.
- d. No housing unit associated with a development project for which bonus FAR calculations were applied shall be issued an occupancy permit until such time as documentation is provided to the Bureau of Buildings establishing that the affordable housing requirements have been met and have been instituted as part of the warranty deed as an allowable exception to title for each affordable unit that is a part of said development project.
- 3. Maximum Building Coverage: Eighty-five (85%) percent of the net lot area.
  - 4. Side or rear yard: For residential uses, see specific regulations for each subarea at Sections 16-18P.028 and 16-18P.030. For nonresidential uses: No requirement.
  - 5. Front yard: See supplemental zone requirements at Section 16-18P.013.
  - 6. Minimum open space requirements: When either the residential or non-residential component of the development is a minor use of less than twenty (20%) percent of the total floor area minimum open space requirements do not apply.
    - a. For residential uses, including all residential components of mixed use developments, open space requirements as indicated on Table I, "Land Use Intensity Ratios" shall be required for Useable Open Space (UOSR) only. For developments greater than 6.40 FAR, the UOSR for 6.40 FAR shall apply.
    - b. For nonresidential uses, including all non-residential components of mixed-use developments, a minimum of twenty (20%) percent of the net lot area shall be public space. See also Section 16-28.012 for definitions and measurements. Required yards and requirements for sidewalk widths which are constructed on private property may be counted towards this requirement. Such public space may include planted areas, fountains, plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.
    - c. For mixed uses, the sum of minimum open space requirements specified in subsections a. and b. above for non-residential and residential shall be met.
    - d. Residential balconies: Balconies for residential units, which are enclosed on three (3) sides, may be counted towards UOSR for a maximum depth of six (6) feet.
    - e. New streets incentive: New public streets, or private streets which function as public streets may be counted towards UOSR and public space requirements provided the following criteria are met:
      - i. Connects two (2) other public streets;
      - ii. Meets sidewalk requirements for the district subarea;
      - iii. The maximum width shall be forty (40) feet which shall include, two (2) on-street parallel parking lanes, two (2) travel lanes and sidewalk extensions at intersections and shall have granite curbs;
      - iv. When surrounding a park area, new streets shall meet all above requirements along each park edge; and

- v. Gates shall not be permitted across said streets.
- f. On-street parking incentive: New on-street parking may be counted towards UOSR or public space requirements provided the following criteria are met:
  - i. No on-street parking currently exists in the public right-of-way adjacent to the project area for which credit is sought;
  - ii. The new on-street parking is located where there is no existing street lane;
  - iii. The on-street parking occupies an entire block face or a minimum distance of two hundred (200) feet;
  - iv. Sidewalk extensions are provided at street intersections; and
  - v. All other sidewalk requirements of this Chapter are met.
- g. Relocation of minimum open space requirements: At the option of the property owner, up to sixty (60%) percent of a development's required UOSR or public space may be relocated to an offsite parcel within the SPI-16 District provided the following criteria are met:
  - i. The receiving parcel is identified in the Midtown Public Space Plan, as adopted in the City of Atlanta Comprehensive Development Plan (CDP), as being a designated recipient parcel;
  - ii. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;
  - iii. All of the open space in the receiving parcel meets the definition of UOSR in Section 16-28.010(5)(a) except that no portion of any public right-of-way shall be included; and
  - iv. The open space in the receiving parcel:
    - a). Shall provide active or passive recreational amenities.
    - b). Shall be no greater than twenty-four (24) inches above or below the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the beginning of the adjacent sidewalk.
    - c). Shall be visible and accessible from any point along ninety (90%) of any adjacent sidewalk.
    - d). Shall permit and encourage pedestrians to walk on a minimum of eighty (80%) of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
- 7. Pedestrian circulation requirements: All sidewalk widths and pedestrian circulation requirements specified in this Chapter shall be reflected in the Pedestrian Space Plan Map. Substitute or alternative pedestrian routes through or between buildings for part or all of the requirements in this Chapter may be authorized by special administrative permit, upon a finding by the Bureau of Planning that: (i) such pedestrian ways are not inconsistent with the purpose and intent of this Chapter; and (ii) such pedestrian ways provide equal or improved pedestrian circulation. That portion of the Pedestrian Circulation requirement which lies within the Net Lot Area shall constitute a corresponding portion of the Open Space Requirements.

8. Showering facilities: All office buildings containing over fifty thousand (50,000) square feet of gross office space shall provide showering facilities, which shall include showers and lockers, in a ratio of at least two (2) showering facilities for every fifty thousand (50,000) square feet of gross office space, which facilities shall be available to all building tenants and their employees, provided that no office building shall be required to exceed a maximum of four (4) showering facilities.
9. All building and structural roofs shall be constructed of a heat-reflective material as approved by the Director of the Bureau of Planning.

#### **Section 16-18P.011. Site Limitations.**

1. Minimum building façade heights and maximum building heights: See specific regulations for each subarea at Sections 16-18P.028 through 16-18P.030.
2. New development proposing to contain an entire block face greater than six hundred (600) feet in length shall be traversed by streets which create block faces no more than four hundred (400) feet in length. Such streets shall function as public streets and shall connect two (2) other public streets.

#### **Section 16-18P.012. Sidewalks.**

Public sidewalks shall be located along all public streets and shall have minimum widths as specified herein. No sidewalk shall be less than fifteen (15) feet in width. Sidewalks shall consist of two (2) zones: a street furniture and tree planting zone and a clear zone. Peachtree Street shall have a minimum sidewalk width of twenty (20) feet as set forth in Section 16-18P.027, and on the Pedestrian Space Plan Map. The following regulations shall apply to all public sidewalks:

1. Street furniture and tree planting zone requirements: The street furniture and tree planting zone shall have a minimum width of five (5) feet. Said zone shall be located immediately adjacent to the curb and shall be continuous. Said zone shall meet the tree planting requirements of Section 16-18P.012(3). In addition to the required planting of trees, this zone may also be used for the placement of street furniture including utility poles, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the Director of the Bureau of Planning.
2. Clear zone requirements: The clear zone shall be a minimum width of ten (10) feet, and a minimum width of fifteen (15) feet along Peachtree Street. Said zone shall be located immediately contiguous to the street furniture and tree planting zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum width of ten (10) feet, a minimum width of fifteen (15) feet along Peachtree Street and a minimum height of eight (8) feet, by any permanent or nonpermanent element except as authorized in Section 16-18P.012(12) and 16-18P.027(2). Sidewalk arcades shall meet the additional requirements of Section 16-18P.014(7).

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3. Street tree planting requirements: Street trees are required and shall be planted in the ground a maximum of forty (40) feet on center within the street furniture and tree planting zone and spaced equal distance between street lights. All newly planted trees shall be a minimum of three (3) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the City Arborist. The area between required plantings shall either be planted with evergreen ground cover such as mondo grass or *Liriope spicata*, or shall be paved in accordance with the Midtown Streetscape Plan.
4. Tree grates: Tree grates are not required where all sidewalk width requirements are met, except along Peachtree Street south of 14<sup>th</sup> Street. Where tree grates are required or otherwise installed, they shall be a minimum of four (4) feet by eight (8) feet, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way, and shall be placed within the street furniture and tree planting zone. Where tree grates are not required or otherwise installed, tree planting areas shall be permitted to be planted with evergreen ground cover such as mondo grass or *Liriope spicata*.
5. Paving: All paving within the street furniture and tree planting zone along Peachtree Street shall utilize 6"x6" pavers and shall be a type specified by the Director of the Bureau of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way.
6. Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2.5) feet and eight (8) feet above grade. See also Section 16.28.009, Visibility at Intersections.
7. No awning or canopy shall encroach beyond the clear zone.
8. Where property within this district abuts an R-1 through R-G or PD-H district without an intervening street, the sidewalk area within twenty (20) feet of such districts shall taper as necessary to provide a smooth transition to the existing R, RG, or PD-H district sidewalk. In the event that the abutting R, RG, or PD-H district has no existing sidewalk, the sidewalk shall taper to a width of six (6) feet.
9. Decorative pedestrian lights, where installed, shall be placed a maximum of (40) feet on center and spaced equal distance between required trees along all streets. Where installed, said lights shall be located within either the street furniture and tree planting zone or the supplemental zone. All said lights shall be Atlanta Type "C" as approved by the Planning Bureau.
10. Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

11. Trash receptacles or similar elements, where installed, shall be a type specified by the Director of Planning in accordance with uniform design standards utilized by the Director for placement of such objects in the public right-of-way and shall be placed within the street furniture and tree planting zone.
12. Outdoor dining within the required sidewalk: Buildings existing prior to the adoption of this ordinance with adjacent sidewalks that do not meet the requirements of this Chapter may have outdoor dining that encroaches a maximum of eight (8) feet into the sidewalk provided the following criteria are met:
  - a. Peachtree Street shall have a minimum nine (9) feet of unobstructed sidewalk area adjacent to the curb;
  - b. All other streets shall have a minimum six (6) feet of unobstructed sidewalk area adjacent to the curb;
  - c. No permanent structure or ornamentation shall be located within the encroachment area and no element shall be attached to the sidewalk in any way;
  - d. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this Chapter; and
  - e. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.

### **Section 16-18P.013. Supplemental Zone.**

For purposes of these regulations, the area between any building, parking deck, or surface parking lot and the required sidewalk, when no intervening building exists, shall be defined as the supplemental zone. Supplemental zones shall meet the following requirements. Except as otherwise specified below, the square footage contained within a supplemental zone which meets all the following supplemental zone requirements may be counted towards UOSR or public space requirements.

1. Minimum supplemental zone widths.
  - a. Streets which function as arterial streets and storefront streets: Five (5) feet.
  - b. Peachtree Street north of 14<sup>th</sup> Street: Thirty (30) feet.
  - c. Midtown Residential Subarea: Fifteen (15) feet.
  - d. Street fronting, sidewalk level residential units: Five (5) feet.
  - e. All other streets: None.
2. Supplemental zone general requirements:
  - a. When sidewalk level residential units are provided, supplemental zone shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds of the supplemental zone area;
  - b. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;

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- c. The supplemental zone shall be no more than twenty-four (24) inches above the adjacent public sidewalk for a minimum distance of fifteen (15) feet from the nearest edge of the adjacent public sidewalk, unless existing topographical considerations render this requirement unreasonable;
  - d. Any authorized walls surrounding landscaped and grassed areas shall not exceed a maximum height of twenty-four (24) inches, except retaining walls, which shall not exceed a maximum height of thirty-six (36) inches unless existing topography requires a retaining wall of greater height; and
  - e. Fencing shall be permitted only when:
    - i. The supplemental zone is located between sidewalk level residential units and the adjacent street; or
    - ii. Said fencing is used to separate authorized outdoor dining from the required sidewalk.
3. Supplemental zones containing a depth of fifteen (15) feet or less shall meet the following additional requirements:
- a. No balcony shall encroach more than five (5) feet into the supplemental zone area.
  - b. Shall not be counted towards UOSR or public space requirements unless visible and accessible to the general public from the adjacent public sidewalk, with the exception of areas adjacent to sidewalk level residential units.
4. Supplemental zones containing a depth greater than fifteen (15) feet shall be counted towards UOSR or public space requirements only when the following additional requirements are met:
- a. Shall permit and encourage pedestrians to walk on a minimum of eighty (80%) percent of the surface of the parcel excluding fountains, pedestrian furniture, public art and similar elements.
  - b. When adjacent non-residential ground floor uses are provided, shall be visible and accessible from any point along ninety (90%) percent of any adjacent sidewalk.
  - c. When adjacent non-residential ground floor uses are provided, all sides of buildings fronting said zone meet the requirements of Section 16-18P.027(1).
  - d. When adjacent residential ground floor uses are provided, shall be visible from any point along ninety (90%) percent of the adjacent sidewalk.
  - e. When adjacent residential ground floor uses are provided, shall provide a pedestrian walkway from said space to the adjacent public sidewalk. Said pedestrian walkway shall be perpendicular to the street and shall connect directly to the public sidewalk and shall be open to the sky along its entire length.

**Section 16-18P.014. Relationship of Building to Street.**

1. For purposes of this chapter, sidewalk-level shall be defined as any floor of a building with a finished-floor elevation less than or equal to five (5) feet above the

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adjacent sidewalk or less than or equal to five (5) feet below the adjacent sidewalk.

2. Building floors shall be delineated at third story above sidewalk level and lower and shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
3. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
  - a. Shall face and be visible from the street. When located adjacent to Peachtree Street or a storefront street, said entrance shall face and be visible from such street.
  - b. Shall be directly accessible and visible from the sidewalk.
  - c. Shall remain unlocked during business hours for non-residential uses.
4. A street address number shall be located directly above the primary building entrance, shall be clearly visible from the sidewalk and shall be a minimum of six (6) inches in height.
5. Buildings with residential uses at the sidewalk level shall meet the following regulations:
  - a. All primary pedestrian entrances not adjacent to a public sidewalk shall be linked to the public sidewalk with a pedestrian walkway a minimum of five (5) feet wide. Said pedestrian walkway shall be perpendicular to the street and shall be permitted to share said walkway with one (1) adjacent unit.
  - b. All such buildings with more than four (4) residential units that are adjacent to the sidewalk shall have individual entrances to such units directly accessible from the sidewalk and shall open directly onto the adjacent sidewalk, park, plaza, terrace or porch adjacent to the sidewalk. All pedestrian walkways providing such access shall be perpendicular to the street and shall be permitted to share said walkway with no more than one (1) adjacent unit.
  - c. Such buildings shall have windows at sidewalk level on each street frontage façade which are substantially similar in size to the sidewalk level front facade windows.
6. Along all streets, parking, storage or digital industry switchboards, power generators and other relay equipment and rooms housing such equipment shall be permitted, with the exception of a minimum depth of twenty (20) feet of the ground floor street frontage beginning at any building façade along the public sidewalk. Said buildings shall meet the following additional requirements:
  - a. Shall meet the requirements of Section 16-18P.027(1) except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
  - b. Shall meet the requirements of Section 16-18P.014(5) except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
7. Sidewalk arcades: Buildings with nonresidential uses at the sidewalk level may have sidewalk arcades, which shall meet the following regulations:
  - a. Shall provide an at grade sidewalk surface.
  - b. Arcade supports shall be a maximum width of five (5) feet.



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- c. Shall provide a minimum of twenty-five (25) feet of clear unobstructed space between arcade supports.
  - d. A building with a sidewalk arcade shall meet the requirements of Section 16-18P.027.
  - e. Shall provide a minimum clear zone width of fifteen (15) feet and when located on streets which function as arterial streets or Storefront streets, shall provide a minimum supplemental zone width of five (5) feet as indicated on the Pedestrian Space Plan map.
8. Fences and walls shall meet the following regulations:
- a. For residential uses adjacent to the sidewalk, fences shall not exceed forty-two (42) inches in height when located between the primary building and the street or between any supplemental zone and the adjacent street. For non-residential uses adjacent to the sidewalk, fences are prohibited when located between the building and the sidewalk except where specifically authorized elsewhere in this Chapter for outdoor dining.
  - b. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be finished poured concrete or shall be faced with stone, brick or smooth stucco. See also Section 16-29.001(25)(b).
  - c. No walls, except retaining walls, shall be located between the street and any building, with the exception of screening for authorized off-street loading areas.
  - d. Fences and walls located between the primary building and the lot line and not exceeding six (6) feet in height may be erected, but shall not be permitted between the primary building and the street.
9. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
10. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

**Section 16-18P.015. Signage.**

Refer to Section 16-28A. Sign Ordinance.

**Section 16-18P.016. Lighting and Storefront Illumination.**

- 1. All lighting including all parking decks, surface parking lots and lit canopies shall reduce light spillage onto residentially used properties by providing cutoff luminaries which have a maximum ninety (90) degree illumination. See also Section 16-18P.020.

2. All lighting that up-lights trees, buildings or other elements, shall be located a minimum height of eight (8) feet above the sidewalk, driveway or pedestrian area when not located within completely landscaped areas.

**Section 16-18P.017. Loading Areas, Loading Dock Entrances and Building Mechanical and Accessory Features.**

1. Loading areas: Dumpsters and loading areas shall be screened so as not to be visible from any public plaza, ground level or sidewalk level outdoor dining area, public sidewalk or public right-of-way. In addition, dumpsters and loading areas serving residential uses shall be enclosed with opaque walls six (6) feet in height.
2. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
3. Building mechanical and accessory features:
  - a. Shall be located to the side or rear of the principal structure and shall be in the location of least visibility from the public right-of-way. Screening with plant or fence materials shall be required if the equipment is otherwise visible from the public right-of-way.
  - b. When located on rooftops shall be incorporated in the design of the building and screened with building materials similar to the building.
  - c. Shall not be permitted between the building and any public street.

**Section 16-18P.018. Off Street Loading Requirements.**

See Table of Loading Requirements, Section 16-28.015 Off-street Loading Requirements.

**Section 16-18P.019. Curb Cuts and Parking Structures.**

1. All sidewalk paving materials shall be continued across any intervening driveway.
2. Driveways shall have a band of textured concrete adjacent to the street which is in-line with and equal in width to the street furniture zone and shall have a textured band of concrete adjacent to the sidewalk which is in-line with the supplemental zone and a minimum width of five (5) feet from the sidewalk.
3. Except as authorized in Section 16-18P.019(6), and in Section 16-18P.011(2), no more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have two (2) curb cuts.
4. Driveways and curb cuts shall be limited to one-way entrances a width of twelve (12) feet or two-way entrances a width of twenty-four (24) feet, unless otherwise permitted by the Commissioner of the Department of Public Works.
5. No circular drives shall be located between any building and any public street with the exception of hotels.

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6. Curb cuts and driveways shall not be permitted on any storefront street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives and Section 16-18P.028(5).
7. Unless authorized by Section 16-18P.019(6), driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
8. Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard which has no street frontage.
9. All contiguous ground-floor residential units shall share one common drive, located in rear yards or side yards without street frontage, to serve garages, carports and parking areas.
10. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
11. Additional parking deck treatment along all streets:
  - a. Shall meet the requirements of Section 16-18P.027(1) except at ingress and egress points into the structure and when topographical conditions prevent such treatment; or
  - b. Shall meet the requirements of Section 16-18P.014(5) except at ingress and egress points into the structure and when topographical conditions prevent such treatment.
  - c. When topographical conditions prevent the above parking deck treatment requirements of Section 16-18P.027(1) and Section 16-18P.014(5), a continuous minimum five (5) feet wide landscaped strip between the structure and the public sidewalk shall be provided. The landscaped strip shall be planted with street trees spaced a maximum distance of twenty (20) feet on center, which shall also meet the tree requirements in Section 16-18P.012(3). The landscape strip shall also be planted with evergreen ground cover such as mondo grass, *Liriope spicata*, ivy or evergreen shrubs with a maximum mature height of twenty-four (24) inches. All plantings, planting replacement and planting removal shall be approved by the City Arborist.
12. Notwithstanding the provisions of Section 16-28.006(10), a common or joint driveway may be authorized by the Director of the Bureau of Planning when adjacent lots have direct vehicular access to a street, and a driveway from a private street which functions as a public street may be authorized by the Director of the Bureau of Planning, based on traffic considerations, when a perpetual easement agreement is agreed upon by all affected property owners and a copy of such agreement is provided to the Bureau of Planning.
13. All developments, including parking decks, shall have sidewalks a minimum width of four (4) feet connecting ground level parking to the public sidewalks and to all building entrances. See also Section 16-18P.021.
14. No drop-off lanes shall be permitted along public streets.

### **Section 16-18P.020. Lighting, Security, and Maintenance Requirements for Parking Structures and Surface Parking Lots.**

All surface parking lots and structures, whether a nonconforming principle use (See also Section 16-18P.022) or accessory in use, and whether serving commercial or noncommercial uses, shall have the following minimum requirements:

1. Lighting shall be provided throughout all parking facilities to equal a minimum of one-half (0.5) footcandle of light. A footcandle of light is a uniformly distributed flux of one (1) lumen on a surface of one (1) square foot in area. Where applicable, public street lighting may be utilized to either partially or totally fulfill the lighting requirements; however, where such street lighting is removed, it shall be the responsibility of the parking facility to independently provide these required levels of illumination. See also Section 16-18P.016.
2. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street.
3. Parking facilities shall be maintained in a clean, safe and sanitary condition. Parking spaces and driving lanes shall be clearly defined and maintained as such. Parking lots shall not be operated when any damage impairs the drivability of the parking lot. See also Section 16-28.014 for additional requirements.

### **Section 16-18P.021. Minimum Landscaping for Surface Parking Lots, Barrier Requirements.**

The requirements of City of Atlanta Code of Ordinances, Chapter 158 Vegetation, Article II Tree Protection, Section 30 Parking Lot Requirements shall apply to this district except as modified as follows:

1. Said surface parking lot requirements shall apply to all lots regardless of size;
2. All required landscaped areas shall be planted with evergreen groundcover or shrubs with a maximum height of thirty (30) inches; and
3. All landscaped buffer strips along sidewalks and public rights-of-way shall have a minimum of one (1) tree with a minimum caliper of two and one half (2.5) inches.
4. Surface parking lots operating before the effective date of this section shall have forty-eight (48) months to comply herewith.

### **Section 16-18P.022. Off-Street Parking Requirements.**

In addition to the provisions of Section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all uses approved by special permits as well as permitted uses. (See also Sections 16-28.013 and 16-28.014):

1. *Off-street surface parking:*

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- a. Shall not be located between a building and the street without an intervening building;
  - b. Shall be accessory to a permitted principal use only, provided that parking spaces serving another principal permitted use may use such facility for shared parking as specified in Section 16-18P.022(6) below;
  - c. Shall be permitted to be constructed of pervious concrete utilizing pervious concrete standards established by the Commissioner of the Department of Public Works.
2. *Electric vehicle charging stations:* All automobile parking facilities shall include electric vehicle charging stations, or similar facilities, in a ratio of at least one (1) station for every one hundred (100) automobile parking spaces. No development shall be required to exceed a maximum of twelve (12) stations.
3. *For residential uses maximum permitted:*
- a. For resident parking, one (1) parking space per bedroom for up to two (2) bedrooms and one-half (0.5) parking space for each bedroom unit of three (3) and above may be provided per dwelling unit.
  - b. For visitor parking, one-third parking space per dwelling unit may be provided.
4. *Single room occupancy residence:* A maximum of one (1) parking space for each four (4) dwelling units, plus one (1) space for each employee.
5. *For non-residential uses:*
- a. *Banks, savings and loan institutions, and the like:* A minimum of one (1) space for each two hundred (200) square feet of floor area and a maximum of two and one-half (2.5) spaces for each two hundred (200) square feet of floor area.
  - b. *Business colleges, trade schools, conservatories, dancing schools, and the like:* A minimum of one (1) space for each two hundred (200) square feet of floor area and a maximum of two and one-half (2.5) spaces for each two hundred (200) square feet of floor area.
  - c. *Child care centers, day care centers, prekindergartens, play and other special schools or day care centers for young children:* A minimum of one (1) space for each six hundred (600) square feet of floor area and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the Director of the Bureau of Public Works.
  - d. *Clubs, lodges, and commercial recreational establishments:* A minimum of one (1) space for each two hundred (200) square feet of floor area and a maximum of two and one-half (2.5) spaces for each two hundred (200) square feet of floor area.
  - e. *Dormitories:* A maximum of one (1) space for each six hundred (600) square feet of floor area.
  - f. *Eating and drinking establishments indoor requirements:*

- i. South of 14<sup>th</sup> Street and east of Juniper Street: A minimum of one (1) space for each three hundred (300) square feet of floor area and a maximum of two and one-half (2.5) spaces for each three hundred (300) square feet of floor area;
  - ii. All other areas: A minimum of one (1) space for each six hundred (600) square feet of floor area and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
- g. *Eating and drinking establishments accessory outdoor dining which is twenty-five (25%) percent or less than the total gross floor area of the building or business, and is not covered with a permanent structure:* A maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
- h. *Eating and drinking establishments accessory outdoor dining which exceeds twenty-five (25%) percent of the total gross floor area of the building or business shall have the following minimum requirements:*
  - i. North of 10<sup>th</sup> Street and east of Juniper Street: A minimum of one (1) space for each three hundred (300) square feet area and a maximum of two and one-half (2.5) spaces for each three hundred (300) square feet of the total accessory outdoor dining floor area including the twenty-five (25%) percent non-exempt floor area.
  - ii. South of 10<sup>th</sup> Street and east of Juniper Street: A minimum of one (1) space for each two hundred (200) square feet and a maximum of two and one-half (2.5) spaces for each two hundred (200) square feet of the total accessory outdoor dining floor area including the twenty-five (25%) percent non-exempt floor area.
  - iii. All other areas: A minimum of one (1) space for each six hundred (600) square feet and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of the total accessory outdoor dining floor area including the twenty-five (25%) percent non-exempt floor area.
- i. *Fraternities, sororities:* One (1) space for two (2) beds plus a minimum of one (1) space for each two hundred (200) square feet of floor area and a maximum of two and one-half (2.5) space for each two hundred (200) square feet of floor area designated or occupied other than for sleeping purposes.
- j. *Hotels and motels:* A minimum of one (1) space for each six hundred (600) square feet of floor area and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
- k. *Hotels and motels within transit station areas set forth in the Pedestrian Space Plan Map:* A maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
- l. *Nursing homes, convalescent homes, and similar care facilities:* A maximum of one (1) space for four (4) beds.
- m. *Office uses:* A maximum of two and one-half (2.5) spaces for each one thousand (1,000) square feet of floor area. Parking during off-peak hours (after 6pm) may be shared for other uses as permitted in Section 16-18P.022(7).

- n. *Printing shops*: A minimum of one (1) space for each two hundred (200) square feet of floor area and a maximum of two and one-half (2.5) spaces for each two hundred (200) square feet of floor area.
  - o. *Retail establishments, including catering, clothing and tailor shops, delicatessen and bakeries, but not other uses, minimum requirements*:
    - i. South of 14<sup>th</sup> Street and east of Juniper Street: A minimum of one (1) space for each three hundred (300) square feet of floor area and a maximum of two and one-half (2.5) spaces for each three hundred (300) square feet of floor area.
    - ii. All other areas: A minimum of one (1) space for each six hundred (600) square feet of floor area and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
  - p. *Retail and eating and drinking establishments, including catering, clothing and tailor shops, delicatessen and bakeries, but not other uses, with a floor area of two thousand (2,000) square feet or less within transit station areas set forth in the Pedestrian Space Plan Map*. A maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
  - q. *Schools, colleges, churches, recreation or community centers and other places of assembly*: One (1) space for each four (4) fixed seats (with eighteen (18) inches if bench length counted as one (1) seat or one (1) space for each thirty-five (35) square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
    - i. *Public or private elementary or middle school*: A maximum of two (2) spaces for each classroom.
    - ii. *High school*: A maximum of four (4) spaces for each classroom.
    - iii. *Colleges and universities*: A maximum of eight (8) spaces for each classroom.
  - r. *For all other non-residential uses*: A minimum of one (1) parking space for each six hundred (600) square feet of floor area shall be provided on the site and a maximum of two and one-half (2.5) spaces for each six hundred (600) square feet of floor area.
6. Reduction or transfer of parking requirements. Except as otherwise set forth in Section 16-18P.007(3)(b), the Director of the Bureau of Planning may reduce parking requirements only upon a determination that:
- a. The character or use of the building is such as to make unnecessary the full provisions of parking facilities; or
  - b. That the applicant has established a valid shared or off-site parking arrangement. Said shared or off-site parking arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. Additionally, all shared or off-site parking spaces shall be clearly marked and signed as reserved during specified hours. An applicant shall submit the following information establishing conformance to the above criteria in order to share or transfer parking requirements and avoid conflicting parking demands:

- i. A to-scale map indicating location of all proposed parking spaces;
  - ii. Indicate hours of business operation(s);
  - iii. Written consent of all property owners agreeing to the shared or off-site parking arrangement;
  - iv. Copies of parking leases for shared or off-site parking arrangements. Renewed leases shall be provided to the Director of the Bureau of Planning. Lack of a current lease shall automatically terminate the special exception authorization.
7. Notwithstanding any provision of the City of Atlanta code of ordinances to the contrary, park-for-hire surface parking lots are prohibited. Accessory parking decks built to satisfy the parking requirements of this Section shall be permitted to be used as park-for-hire parking decks. Park-for-hire parking decks built to provide parking spaces in excess of the parking requirements of this Section 16-18P.022 shall only be permitted as a primary use through the Special Permit process as authorized in Section 16-18P.007.

### **Section 16-18P.023. Transportation Management Plan.**

Transportation Management Plan: The Bureau of Buildings shall not issue building permits for office components of any development in this district until such time as the developer or leasing agent for each of the office components has submitted to the Director of the Bureau of Planning, a transportation management plan (TMP) for each such component that has more than twenty-five thousand (25,000) square feet of total gross leasable floor area of space. The TMP shall contain strategies to reduce single occupancy vehicle trips generated by the project by a minimum of twenty-five (25%) percent during a five-year period from the initial date of occupancy.

The TMP shall be based on an annual commute mode survey. Said survey shall be submitted on the day of initial occupancy and on each yearly anniversary of the date thereafter, until otherwise notified by the Director of the Bureau of Planning. The survey shall be based on a continuous five-day workweek for all employees arriving at the work site between 6:00 A.M. and 10:00 A.M., Monday through Friday. Based upon the survey information, the employer shall develop a TMP.

The TMP shall include, but not be limited to:

1. An estimate of the number of employees and visitors per hour that are expected to use rail and bus transit throughout the day.
2. A description of how information regarding the new or existing transit stops and building access to such stops will be displayed on the property in indoor or outdoor locations.
3. A program to promote and maintain employee participation in carpooling, vanpooling, and use of mass transit, including a method of monitoring the number of ride sharers and their travel patterns.



4. A statement committing to support, and participate in, a Transportation Management Association (TMA) and its funding.

#### **Section 16-18P.024. Minimum Bicycle Parking Requirements.**

All non-residential developments which provide automobile parking facilities shall provide bicycle/moped parking facilities at a ratio of at least one (1) bicycle/moped parking space for every twenty (20) automobile parking spaces. Multi-family developments shall provide said facilities at a ratio of at least one (1) bicycle/moped parking space for every five (5) multi-family units. No development, except a one or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of fifty (50) spaces. Bicycle/moped spaces shall be located within the street furniture zone a maximum distance of one hundred (100) feet of the building entrance, or shall be located at least as close as the closest automobile space, except for handicapped parking spaces. Each space shall include a metal anchor sufficient to secure the bicycle/moped frame when used in conjunction with a user-supplied lock. The additional requirements of Section 16-28.014(6) shall also apply.

#### **Section 16-18P.025. Pedestrian Bridges and Tunnels.**

Pedestrian bridges and tunnels are prohibited when located above or below public streets, private streets which function as public streets connecting two other public streets, or other public rights-of-way.

#### **Section 16-18P.026. Zero-lot-line Development.**

Zero-lot-line subdivision is permitted for residential uses provided a minimum of one thousand (1,000) square feet in lot area is provided. The additional requirements of Section 16-28.007 shall also apply.

#### **Section 16-18P.027. Specific Regulations for Storefront Streets.**

Properties which front Peachtree Street, 3<sup>rd</sup> Street (east of Spring Street), 5<sup>th</sup> Street (west of Juniper Street), 10<sup>th</sup> Street, 14<sup>th</sup> Street, 17<sup>th</sup> Street, North Avenue, Ponce De Leon Avenue, Crescent Street, Cypress Street, Lombardy Way, 12<sup>th</sup> Street (between Peachtree Walk and Crescent), 13<sup>th</sup> Street (between Peachtree Walk and Crescent), West Peachtree Street (between Lombardy Way and 17<sup>th</sup> Street) and Peachtree Walk (between 12<sup>th</sup> and 13<sup>th</sup> Streets) shall constitute Storefront Streets within the meaning of this Chapter and shall meet the following regulations:

1. Street-fronting buildings including parking decks shall meet the following sidewalk level requirements:
  - a. The length of façade without intervening fenestration or entryway shall not exceed twenty (20) feet.

- b. Fenestration shall be provided for a minimum of sixty-five (65%) percent of the length of the frontage:
    - i. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk or,
    - ii. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk or
    - iii. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk.
  - c. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.
2. Cypress Street shall have sidewalks that are a minimum width of fifteen (15) feet. Up to four (4) feet of the clear zone nearest the building may be used for outdoor dining. No permanent element may be placed within the clear zone area.
  3. Minimum building façade height: Twenty-four (24) feet along each façade visible from the public right-of-way.
  4. Drive-through service windows and drive-in facilities are prohibited.

**Section 16-18P.028. Specific Regulations for Subarea 1: Midtown Commercial.**

1. Permitted uses. In addition to those uses authorized in Section 16-18P.005, a building or premise may be used for the following permitted uses and structures:
  - a. Banks and financial institutions.
  - b. Business or commercial schools.
  - c. Churches, synagogues, temples and other religious facilities.
  - d. Clubs and lodges.
  - e. Commercial greenhouses.
  - f. Dormitories, fraternities and sororities.
  - g. Digital industry switchboards, power generators and other relay equipment and rooms housing such equipment. The additional requirements of Sections 16-18P.014(6) and 16-18P.027(1) shall also apply.
  - h. Hotels and motels.
  - i. Institutions of higher learning, including colleges and universities.
  - j. Mortuary and funeral homes, except east of West Peachtree Street.
  - k. Public and private schools.
  - l. Service stations, except east of Spring Street.
2. Side and Rear Yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of ten (10) feet in width.
  - a. Rear yards: Twenty (20) feet.
  - b. Side yards:
    - i. Non-residential uses: None.

- ii. Residential uses: Twenty (20) feet, except that the side yard may be reduced to zero (0) feet when a residential use has no residential windows adjacent to such yard.
3. Development Controls:
- a. Maximum permitted floor areas without bonuses:
    - i. For nonresidential uses, floor area shall not exceed an amount equal to five (5.0) times net lot area.
    - ii. For residential uses, floor area shall not exceed an amount equal to three and two-tenths (3.2) times net lot area.
    - iii. For mixed-use, floor area ratio shall not exceed eight and two-tenths (8.20) times net lot area [the sum of the non-residential (i) and residential (ii) above], but not greater than the maximum ratios permitted for each (See Section 16-29.001(24)).
  - b. Maximum permitted floor area with bonuses.

Under no circumstances shall the floor area of any development with bonuses exceed an amount equal to ten and two-tenths (10.2) times gross lot area.

    - i. Transit station area bonus: Developments located within a transit station area as identified on the Pedestrian Space Plan Map shall be permitted a floor area ratio bonus of three and two-tenths (3.2) times net lot area for residential uses and three and two tenths (3.2) times net lot area for non-residential uses.
    - ii. Affordable housing bonus: Residential uses shall be permitted a floor area ratio bonus of one and eight-tenths (1.8) times net lot area when located within a transit station area as identified on the Pedestrian Space Plan Map and five (5.0) times gross lot area when not located within a transit station area, provided that in either case twenty (20%) percent or more affordable sales housing units or rental housing units are provided for that portion of residential units resulting from the bonus.
    - iii. Ground-floor retail bonus: Developments which provide street-fronting, sidewalk level retail establishments which comprise a minimum of twenty (20%) percent of the building foot print and meet all of the requirements of Section 16-18P.027 shall be permitted a floor area ratio bonus. When used for residential uses this bonus shall equal two (2.0) times gross lot area and when used for non-residential uses this bonus shall equal two (2.0) times net lot area provided that for every one (1) square foot of ground-floor retail built, up to three (3) additional square feet of additional floor area is permitted. In no case shall the total bonus exceed two (2.0) times gross lot area.
    - iv. Open space bonus: Residential uses shall be permitted to calculate any of the above floor area ratios in Section 16-18P.028(3) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.

4. Site limitations.
  - a. Minimum building façade heights: none except as provided in Section 16-18P.027.
  - b. Maximum building heights: none except as provided in Section 16-18P.009(2).
5. Relationship of building to street: No vehicular entrances to properties with frontage on the east side of Peachtree Street shall be located on side streets which connect Peachtree Street to the Ansley Park neighborhood.
6. Drive-through service windows and drive-in facilities shall not be located between the principal structure and the street, and are not permitted east of Spring Street or along Storefront streets.

**Section 16-18P.029. Specific Regulations for Subarea 2: Midtown Residential.**

1. Permitted uses. Except as otherwise provided in Section 16-18P.007(1)(b) for eating and drinking establishments, all non-residential uses authorized in Section 16-18P.005 and not located within the Juniper Transition Area shall not exceed two thousand five hundred (2,500) square feet of floor area.
2. Special permits:
  - a. Special use permits:
    - i. Churches, synagogues temples and other religious worship facilities where lot area is greater than one (1) acre.
    - ii. Clubs and lodges, provided they do not exceed five thousand (5,000) square feet of floor area.
  - b. Special exceptions: Churches, synagogues temples and other religious worship facilities where lot area is less than one (1) acre.
3. Development controls. Bulk limitations:
  - a. For nonresidential uses located within the Juniper Transition Area: Nonresidential uses shall be located within a building that contains street frontage and shall be located on the street level floor only.
  - b. For nonresidential uses located in all other areas: Nonresidential uses shall be located within a building that contains street frontage and shall be located on the street level floor only. Floor area shall not exceed an amount equal to five (5%) percent of total built residential floor area. No nonresidential building shall be constructed until construction of the residential building has begun, and no nonresidential building shall be used or occupied until the residential building is completed and in use, or in the case of multi-family building complexes no nonresidential use shall commence operation until at least fifty (50%) percent of the total proposed dwelling units are occupied.
  - c. For residential uses, floor area shall not exceed an amount equal to three and two-tenths (3.2) times net lot area, with the exception of uses located within the Juniper Street Transition Area, which shall not exceed an amount equal to six and four-tenths (6.4) times net lot area.

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- d. Open space bonus: Residential uses shall be permitted to calculate any of the above floor area ratios in Section 16-18P.029(2) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.
- 4. Site limitations.
  - a. Minimum building façade heights: Twenty-four (24) feet along each façade visible from the public right-of-way.
  - b. Maximum building heights:
    - i. Located within the Juniper Street Transition Area: Four-hundred (400) feet.
    - ii. All other areas: Two-hundred and fifty (250) feet.
  - c. Minimum landscape requirements: There shall be a minimum number of trees within the sidewalk and within the setback areas that shall equal one (1) tree per twenty-five (25) linear feet of property line. Such trees shall have a minimum mature height of sixty (60) feet, as approved by the City Arborist.
- 5. Drive-through service windows and drive-in facilities are prohibited.
- 6. Minimum yard requirements.
  - a. Front yards: See supplemental zones in Section 16-18P.029(7).
  - b. Side and rear yard: Minimum width of fifteen (15) feet, of which five (5) feet shall be landscaped. Side and rear yards shall be permitted to have private alleys or drives a maximum of ten (10) feet in width
- 7. Supplemental zones: Minimum width of fifteen (15) feet, including landscaping a minimum width of five (5) feet adjacent to the sidewalk and traversed only by stairs or walkways.
- 8. Relationship of building to street:
  - a. Residential developments and business establishments adjacent to Juniper Street shall have their primary pedestrian entrances adjacent to Juniper Street.
  - b. Fenestration for all non-residential uses in this subarea shall meet the requirements of Section 16-18P.027(1)(c).
  - c. All front facades, front porches, front steps, and front doors to all uses with street frontage shall face the street, shall be directly accessible from the sidewalk adjacent to such street and shall open directly onto the adjacent sidewalk, or onto a public park or public space adjacent to said sidewalk.

**Section 16-18P.030. Specific Regulations for Subarea 3: Juniper East.**

- 1. Permitted uses. In addition to those uses authorized in Section 16-18P.005, a building or premise may be used for the following permitted uses and structures:
  - a. Business or commercial schools.
  - b. Churches, synagogues, temples and other religious facilities.
  - c. Clubs and lodges.
  - d. Commercial greenhouses.

- e. Hotels and motels, containing no more than one hundred (100) rooms. Further, said hotels shall contain no more than a total of five hundred (500) square feet of floor area devoted to meeting rooms, convention facilities, or ballrooms and shall contain no food or beverage service facilities except those designed to serve only the occupants of the hotel and their guests.
- f. Public and private schools.
- g. Service stations shall be prohibited except along Ponce de Leon Avenue.
- 2. Side and Rear Yards. Side and rear yards shall be permitted to have private alleys or drives a maximum of ten (10) feet in width.
  - a. Rear yards: Twenty (20) feet.
  - b. Side yards:
    - i. None for non-residential uses.
    - ii. Residential uses: Twenty (20) feet, except that the side yard may be reduced to zero (0) feet when a residential use has no windows adjacent to such yard.
- 3. Development Controls:
  - a. Maximum permitted floor areas without bonuses:
    - i. For nonresidential uses, floor area shall not exceed an amount equal to two (2.0) times net lot area.
    - ii. For residential uses, floor area shall not exceed an amount equal to three and two-tenths (3.2) times net lot area.
    - iii. For mixed-use, floor area ratio (FAR) shall not exceed five and two-tenths (5.20) times net lot area [the sum of the non-residential (i) and residential (ii) above], but not greater than the maximum ratios permitted for each (See section 16-29.001(24)).
  - b. Maximum permitted floor areas with bonuses:
    - i. Non-residential uses: No bonuses.
    - ii. Affordable housing bonus: The floor area of residential uses may be increased to seven (7.0) times gross lot area provided that twenty (20%) percent or more affordable sales housing units or rental housing units are provided for that portion of residential units that exceed a floor area of three and two tenths (3.2).
    - iii. Open space bonus: Residential uses shall be permitted to calculate any of the above floor area ratios in Section 16-18P.030(3) utilizing gross lot area, for purposes of providing additional density based on such calculation. Developments utilizing the open space bonus shall not be permitted any reduction in open space requirements.
- 4. Site limitations.
  - a. Minimum building façade heights: Twenty-four (24) feet along each façade visible from any public right-of-way.
  - b. Maximum building heights:
    - i. East of Piedmont Avenue: Sixty (60) feet.
    - ii. All other areas: One hundred (100) feet.
- 5. Drive-through service windows and drive-in facilities are prohibited, except for authorized service stations.